

PUBLIC NOTICE



**US Army Corps
of Engineers
Memphis District**

**Permit No. GP-24M (200302074)
Issue Date: November 26, 2003
Expiration Date: December 12, 2003**

15-Day Notice

STATE OF MISSOURI
PROPOSED ISSUANCE/RENEWAL OF GENERAL PERMIT
BRIDGE AND/OR LOW WATER CROSSING MAINTENANCE

In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the Kansas City District, U.S. Army, Corps of Engineers (as lead district), in conjunction with the St. Louis District, Rock Island District, Little Rock District, and Memphis District proposes to renew an existing general permit and extend the authorization for another 5-year period. The existing general permit authorizes the discharge of dredged or fill material for bridge maintenance in waters of the United States within the State of Missouri. This general permit was originally issued under the authority of Section 404 of the Clean Water Act (33 USC 1344) on March 31, 1983, and was last renewed on December 9, 1998. There have been 71 individual projects authorized by the general permit since it was last renewed.

Criteria for Authorization. Applications for authorization under general permit MVMGP-24M have been and will be reviewed on a case-by-case basis to ensure that each activity authorized by the general permit meets its cited criteria (See Appendix I of general permit enclosed).

Duration of the General Permit. The general permit would expire 5 years from the date of issuance/renewal unless it is specifically modified, suspended, or revoked prior to that date. Upon its expiration, the general permit would be considered for renewal. The general permit may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities would have a significant environmental impact or are otherwise not in the public interest.

This general permit does not and would not obviate the need to obtain other Federal, state, or local authorizations required by law.

Procedure for Applying. Individuals desiring to perform activities in accordance with the criteria of this general permit must notify the appropriate Corps of Engineer District in accordance with the notification requirements as listed in Appendix III. Application form ENG Form 4345 (sample enclosed), with detailed drawings, may be used for this purpose. Copies of ENG Form 4345, instructions or assistance may be obtained by writing, calling, or FAXING the appropriate Corps district, or by accessing:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>

If the Corps determines that the work meets the provisions of the general permit, and no extraordinary conditions exist that would warrant submitting an application, the proponent would be notified to proceed. If the Corps determines that the subject work does not meet the provisions of the general permit, or that extraordinary conditions exist, the applicant will be notified that an individual permit will be necessary.

Compliance with other laws. During the administration of the general permit, no adverse environmental effects related to the operation of the general permit have been identified. No additional environmental effects are expected to result from the extension of this general permit for another 5-year period. All applicable statutes, regulations, and administrative policies and agreements, including the National Environmental Policy Act of 1969, which are currently applicable to the general permit were considered and satisfied when the general permit was originally issued. Operation of the general permit has not resulted in any public controversy. All comments in response to this public notice should be forwarded to the Kansas City District at the appropriate address given on page 1 of this notice.

The decision to renew this general permit will be based on an evaluation of the probable impact of the proposed permit renewal on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed permit renewal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposed permit renewal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, mineral needs, and, in general, the needs and welfare of the people. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this general permit renewal. Requests for holding hearings shall state, with particularity, the reasons for holding a public hearing.

Comments. Any interested party (particularly officials of any town, city, county, state or Federal agency, local association, or individual) is invited to submit to the Kansas City District (or Memphis District) written facts or objections to the proposed permit renewal on or before the public notice expiration date. Comments, both favorable and unfavorable, will be accepted and made a part of this record and will receive full consideration in determining whether it would be in the public interest to renew the general permit.

Additional Information. Additional information about the proposed issuance/renewal of this general permit may be obtained by writing the Chief, Regulatory Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling Mr. Kenny Pointer at 573-634-2248, extension 104 (FAX 573-634-7960) (E-Mail: james.k.pointer@usace.army.mil).



Larry D. Watson, Chief
Regulatory Branch
Construction/Operations Division

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public

Permit No. MVMGP-24M

Issuing Office: U.S. Army Engineer District, Memphis

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NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Proposed work: To excavate or discharge dredged or fill material for the following bridge and/or low water crossing maintenance or repair activities which satisfy the criteria in APPENDIX I:

a. Excavate the channel or remove snags/debris to restore the channel to its design cross section and location through the bridge opening or in the vicinity of the structure, but cannot exceed a total of 200-feet of stream length, including both upstream and downstream from the structure, in order to protect the bridge substructure or roadway fill. Eroded earth bank, if filled, will be covered with riprap, large rock, concrete or concrete rubble.

b. Remove drift at bridge sites and on roadway right-of-way, if it involves temporary discharges of dredged or fill material, or if the method of removal constitutes a discharge of dredged material.

c. Replace flood damaged roadway or bridge approach fills. Earth or other granular fill material will be covered with riprap, large rock, concrete or concrete rubble if below the ordinary high watermark elevation.

d. Repair erosion around bridge piers or abutments. In some cases, riprap, large rock, concrete or concrete rubble will be used in place of the original material.
Liquid concrete/grouted riprap is not allowed.

e. Install bank protection using riprap, large rock, concrete or concrete rubble to prevent further erosion.
Liquid concrete/grouted riprap is not allowed.

f. Remove accumulated sediment and debris from on the crossing, in the crossing opening(s), or in the vicinity of crossing but cannot exceed a total of 200-feet of stream length, including both upstream and downstream of the crossing, in order to allow for the design flow over or through the crossing.

Project Location: Waters of the United States in the State of Missouri.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 2 years from each permit determination. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheets, pages 4, 5, 6, 7, and 8 of this document.

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Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DO NOT SIGN

NA

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

JACK V. SCHERER, COL.
DISTRICT ENGINEER

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

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Special Conditions:

a. If any part of the authorized work is to be performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.

b. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.

c. You must excavate, dredge, or fill in the watercourse so as to minimize increases in suspended solids and turbidity, which may degrade water quality and damage aquatic life outside the immediate area of operation.

d. You must establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in the waterway.

e. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction.

f. You must employ measures to prevent or control spilled fuels or lubricants from entering the waters of the United States and formulate a contingency plan to be effective in the event of a spill.

g. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work.

h. If any concrete must be discharged below the water surface as part of the maintenance or repair, you must isolate the concrete from the water by a cofferdam constructed using either steel sheet piling or material excavated from the bed of the water body in the immediate vicinity of the work; the cofferdam shall be removed upon completion of work.

i. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a non-wetland area above the ordinary high watermark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.

j. If the proposed maintenance or repair work is to be performed on, or in the vicinity of, a Government-built flood control or bank stabilization structure, you must perform the work in accordance with guidelines provided in the Corps of Engineers guidebook to preclude or minimize any effect on the integrity or effectiveness of the Government structure.

k. You must maintain on the site during the maintenance or repair work, sufficient equipment and materials to repair, upon 24 hours' notice, any flood protection structures damaged as part of the maintenance or repair work.

l. You must perform any repairs to Government structures necessitated by your activity at your expense and the repairs shall be performed to the specifications and approval of the appropriate District Engineer.

m. You must dispose of all drift material and debris removed from bridge sites landward of the ordinary high water mark and outside of wetlands. You must remove accumulated sand or gravel deposits. You must not push the material to the banks.

n. If a maintenance activity is proposed in a state park or wildlife area, you must notify the appropriate state agency responsible for the area at least 7 days prior to commencing work.

o. You must not perform the maintenance activities, to the maximum extent practicable, between 15 March and 15 June, unless the Corps grants a variance.

Special Conditions (continued):

p. Prior to using explosives in the watercourse in conjunction with work authorized by this general permit, you must obtain approval from the Missouri Department of Conservation.

q. You must investigate for public or private drinking water supply intakes or other activities, which may be affected by suspended solids and turbidity that are within 500 feet downstream of the authorized activity. You must give sufficient notice to owners of affected activities to allow preparation for any changes in water quality.

r. Project Length: Authorized activities intended to restore the channel to its design cross section or to repair erosion damage around bridge piers or abutments must be performed within the vicinity of crossing but cannot exceed a total of 200-feet of stream length, including both upstream and downstream of the crossing.

s. Temporary Structure and Fill: You must construct temporary access crossings in such a manner that it will allow high flows to readily overtop the structure. Any such structure must also be adequately culverted so that it will allow the passage of normal flows and will not restrict the movement of aquatic species indigenous to the water body. You must remove all fill material placed temporarily in conjunction with drift removal or other activities authorized by this general permit, immediately upon completion of the authorized work.

t. You must investigate for utilities, which may be affected by maintenance activities within the project area and within 500 feet of the upstream and downstream work limits. You must give these utility companies sufficient notice to prepare for your activities as well as a chance to coordinate and develop mutually agreeable construction schedules and plans.

u. Unacceptable Fill Material: You must cut off all exposed rebar from concrete rubble fill material, and all concrete rubble used must be free from trash, wood, metal, glass, asphalt, and all other types of extraneous material.

v. Floodway: You must not unduly restrict the floodway and assure that changes in the 100-year frequency flood elevation, due to bridging structures, approaches, abutments, and protection do not occur. You must comply with the requirements of applicable state and local flood plain management standards, Executive Order 11988, and the Federal Disaster Protection Act of 1973 where applicable. You must furnish data substantiating this assurance upon request of the Corps of Engineers. If any structure authorized by this permit is determined to have a detrimental effect on the floodway, you must take whatever remedial action is required.

w. Endangered Species: No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the habitat of such species. See Appendix II, paragraph No. 1 for permitting requirements if these species are likely to be present or their habitat would be adversely modified.

x. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the District Engineer if the excavation activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

y. Notification: You must notify the appropriate Corps of Engineers district, as specified in Appendix III, before you initiate any activity and receive written verification of authorization under this general permit from the Corps of Engineers before you start any work.

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APPENDIX I

CRITERIA FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-24M

1. The appropriate District Engineer has the discretion to require an individual permit on a case-by-case basis for any activity authorized herein.
2. This general permit does not authorize Channel realignment (cutoffs) or stream relocations.
3. Maintenance or repair does not include practices that result in raising the overall height of structures; e.g., pouring new slabs over the old ones.
4. For activities occurring between 50 and 200 feet upstream or downstream of the structure, the Corps will coordinate with the appropriate Federal and state resource agencies prior to verifying the activity.
5. Excavation or dredging to obtain material for routine uses (such as shoulder maintenance) other than to maintain the bridge and/or low water crossing, its approach fills, or the channel, is not authorized by this general permit.
6. The activity must not drain or facilitate drainage of a wetland or adversely alter flushing or water circulation patterns of a wetland as defined in 33 CFR 323, or involve placement of fill in any such wetland.
7. The activity must not be located in the proximity of a property listed in or eligible for listing in the National Register of Historic Places unless, after coordination with the State Historic Preservation Officer, and the Advisory Council on Historic Preservation, a determination of "no effect" or "no adverse effect" is made in accordance with criteria established by 36 CFR 800.
8. The activity must not be located in or adversely affect a site included in the National Registry of Natural Landmarks or other areas set aside by Federal law or Presidential Proclamation for protection.
9. The activity must not be located in any areas named by Action of Congress or Presidential Proclamation as National Parks, National Monuments, National Memorials, National Battlefields, National Scenic Riverways, or National Historic Sites; any component of the National Wild and Scenic River System or of a State Wild and Scenic River System; or any component of the National Trails System.
10. Applicant must notify the appropriate Corps district if the activity may affect a Federally threatened or endangered species or its habitat (see Appendix II, Endangered Species Consultation). If agency notification is not otherwise required, the District Engineer will only consult with the U.S. Fish and Wildlife Service (FWS) and/or the Missouri Department of Conservation (MDC), as necessary to comply with general "w" entitled "Endangered Species" and to determine if that the activity is not likely to adversely affect Federally listed species or designated critical habitat, or if there may be more than minimal adverse effects to the environment related to impacts on Federal or state listed species. If you have any questions concerning threatened and endangered species possibly occurring in your project area, you should contact the appropriate Corps of Engineers district or the U.S. Fish and Wildlife Service.
11. The cumulative impacts of this general permit may be reevaluated at the discretion of the Corps of Engineers at any time, but will be reevaluated at least every five (5) years.

APPENDIX II

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CORPS REVIEW PROCEDURES FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-24M

(for Corps use only)

1. **ENDANGERED SPECIES CONSULTATION**. The excavation activity must not be located in any waterbody identified as containing potential habitat for any Federally listed threatened or endangered species unless, following coordination with the U.S. Fish and Wildlife Service, a "no effect" or "not likely to adversely affect" determination is agreed upon between the Corps of Engineers and the U.S. Fish and Wildlife Service. These waterbody locations will be maintained by the Corps of Engineers and will be referenced for each individual activity.

Activities authorized under this general permit may affect the following species and/or habitat; Niangua Darter, Neosho Madtom, Curtis' Pearly Mussel, Pink Mucket Pearly Mussel, and bald eagle. The Corps of Engineers will maintain a list of waters where the activities authorized under this permit may affect such listed species or designated critical habitat. If the proposed activity is located in any water included in this list, the following conditions must be met and will be coordinated by the appropriate Corps of Engineers District:

1) For each proposed activity within the range of the above species, the District Engineer will only consult with the U.S. Fish and Wildlife Service (FWS) and/or the Missouri Department of Conservation (MDC), as necessary to comply with special condition "w" entitled "Endangered Species" and to determine that the activity is not likely to adversely affect Federally listed species or designated critical habitat, or if there may be more than minimal adverse effects to the environment related to impacts on state listed species.

2) Additional project specific conditions must be imposed if, through timely informal consultation between the Service and the Corps, they are determined to be necessary to avoid the likelihood of adverse effects to listed species or designated critical habitat.

3) In the event that the likelihood of adverse effects to listed species or designated critical habitat cannot be avoided, authorization will not be provided under the general permit until such time as: i) formal consultation between the Service and the Corps is provided; ii) a non-jeopardy Biological Opinion is issued; and iii) the terms and conditions of any associated Incidental Take Statement are incorporated as enforceable conditions to the project authorization under the general permit.

2. **COMPLIANCE CERTIFICATION**. Permittees must sign, date, and return the enclosed "Compliance Certification" to the originating office upon completion of the authorized work and any required mitigation. A completed certification will be furnished with each GP24M verification notice.

APPENDIX III

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APPLICANT NOTIFICATION REQUIREMENTS

1. If you wish to perform work under the authority of this General Permit, you must provide notification to the appropriate Corps of Engineers district before you initiate any gravel removal activity. You must submit the following information in this notification:

- (1) A completed application form ENG 4345, or equivalent information
- (2) A clearly marked site location map.
- (3) A drawing showing the details of the proposed work (Plan and Cross-sectional views of each excavation area).
- (4) An operation plan, which describes how you will conduct the work, details how impacts to the stream will be avoided and/or minimized, and measures to restore the site following completion of excavation.

2. You must receive written verification of authorization under this general permit from the Corps of Engineers before you start any activity.

3. Corps of Engineers District Addresses:

- a. Little Rock District
Regulatory Branch
P.O. Box 867
Little Rock, AR 72203
(501) 324-5295
- b. Memphis District
Regulatory Branch
167 N Main St, RM B202
Memphis, TN 38103-1894
(901) 544-3473
- c. Rock Island District
Regulatory Branch
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004
(309) 794-5370
- d. St. Louis District
Regulatory Branch
1222 Spruce
St. Louis, MO 63103-2833
(314) 331-8575